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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,238	02/14/2002	Janne Aaltonen	06071.00001	6235
22907	7590	10/03/2007	EXAMINER	
BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			BILGRAMI, ASGHAR H	
			ART UNIT	PAPER NUMBER
			2143	
			MAIL DATE	DELIVERY MODE
			10/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/074,238	AALTONEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Asghar Bilgrami	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 August 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21,27-43 and 46-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21,27-43 and 46-48 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/14/2002, 8/1/2007</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/1/2007 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-21, 27-43, 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over HERZ et al (U.S. Pub No. 2001/0014868 A1) and Birdwell et al (U.S. 6,108,706).

4. As per claims 1, 9-11 & 19 HERZ disclosed a method comprising; receiving, via a second network, unsolicited information from the computer network (page.3, paragraphs. 21 & 23), wherein the unsolicited information contains an identifier

identifying further information on the computer network the unsolicited information being received by a communication device based upon the communication device being targeted for receiving unsolicited information (page.4, paragraph.27) based upon a user profile associated with the communication device (Page.4, paragraphs.28-33 & 35).

However Herz did not explicitly disclose requesting, via a first network, further information from the computer network, wherein the further information is based on the received identifier; and receiving the further information via one of the first or second network.

In the same field of endeavor Birdwell disclosed requesting, via the first network, further information from the computer network, wherein the further information is based on the received identifier (col.1, lines 63-67 & col.2, lines 1-5); and receiving the further information via one of the first or second network (col.3, lines 63-67 & col.4, lines 1-10).

At the time the invention was made it would have been obvious to one in the ordinary skill in the art to incorporate requesting information based on received identifier via first or second network as disclosed by Birdwell in the method of receiving via a second network, unsolicited information in which unsolicited information is based upon user profile associated with the device in order to provide a more versatile and flexible way of targeting information to the users resulting in reliable multi-connectivity and customer focus driven communications network.

5. As per claims 2, 4,12 & 27, 28, 32-35 HERZ-Birdwell disclosed the device of claim 9, wherein the second communications network is a broadcast network, and

wherein the receiver is adapted to receive the unsolicited information via the broadcast network (Birdwell, col.3, lines 23-31 & col.3, lines 40-43).

6. As per claims 3 & 13 HERZ-Birdwell disclosed the device of claim 9, wherein the first communication network is a telecommunications network, and wherein the transceiver is adapted for use with the telecommunications network (Birdwell, col.3, lines 10-16).

7. As per claims 5, 14, 29, 36 & 37 HERZ-Birdwell disclosed the device of any of claims 9 wherein the unsolicited information contains a content identifier, and further comprising a memory for storing, on the device, a list of content identifiers of interest (Birdwell, col.4, lines 66-67 & col.5, lines 1-46).

8. As per claims 6 & 15 HERZ-Birdwell disclosed the device of claim 14, further comprising a filter for filtering the received unsolicited information to remove any information not having a content identifier in the list of content identifiers (Birdwell, col.5, lines 26-46).

9. As per claims 7, 16, 30, 38 & 39 HERZ-Birdwell disclosed the method of claim 1, wherein the second communication network is digital video broadcast terrestrial (DVB-T) network, and wherein the steps of receiving via the second network are adapted for

receiving via the DVB-T network (Birdwell, col.3, lines 23-31, col.3, lines 40-43 & col.4, lines 25-34).

10. As per claims 8, 17, 31, 40 & 41 HERZ-Birdwell disclosed the method of 1, wherein the first communication network is a cellular network; and wherein the step of receiving via the further information is adapted to receive via the cellular network (Birdwell, col.3, lines 10-16 & col.4, lines 5-9).

11. As per claim 18, 42 & 43 HERZ-Birdwell disclosed the device of claims 9, wherein the communication device is a portable communication device (Birdwell, col.4, lines 10-12).

12. As per claim 20, 46 & 47 HERZ-Birdwell disclosed the system of claims 9, further comprising a database of user profiles for storing a list of information categories determined to be of interest to the users (Birdwell, col.2, lines 21-28 & col.6, lines 20-32).

13. As per claim 21 HERZ-Birdwell disclosed the system of claim 20, further comprising a broadcast transmitter for transmitting information from the computer network to users determined to be interested in the information (Birdwell, col.3, lines 23-31 & col.3, lines 40-43).

14. As per claim 48 HERZ-Birdwell disclosed the method of claim 1, further comprising: accessing a database of user profiles; and identifying the communication device as a user to be targeted based on said user profiles (HERZ, page.4, paragraphs. 27-33 & 35).

***Response to Arguments***

Applicant's arguments with respect to claims 1-21, 27-43, 46-48 have been considered but are moot in view of the new ground(s) of rejection.

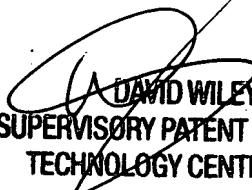
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3924. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
AB

  
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